

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL ACTION NO. 3:21-CR-00252-KDB-DSC**

UNITED STATES OF AMERICA,)	
)	
)	
)	
v.)	<u>ORDER</u>
)	
CHARLES MORGAN HARRELL,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on Defendant's *pro se* Motion for a Judicial Recommendation regarding her Federal Bureau of Prisons' designation. (Doc. No. 32). For the reasons briefly discussed below, the Court will grant the Motion and make a non-binding recommendation to the Bureau of Prisons.

This Court initially recommended, upon her request, that the Defendant be designated as close to Tallahassee, Florida as possible (FCI Tallahassee). The Defendant was originally designated to FCI Tallahassee, but the Federal Bureau of Prisons ("BOP") ultimately changed her designation to FDC Seatac in Seattle, Washington. Due to the distance from her family and the lack of vocational training, the Defendant now moves this Court to "contact the [BOP] to request that [she] be re-designated closer to Charlotte, North Carolina." *See* Doc. No. 32

When a defendant receives a sentence of imprisonment at a federal facility, the BOP is statutorily authorized to designate the place of confinement. *See* 18 U.S.C. § 3621(b) ("The Bureau may designate any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau, whether maintained by the Federal Government or otherwise and whether within or without the judicial district in which the person was convicted,

that the Bureau determines to be appropriate and suitable[.]"). Accordingly, this Court has no authority to make designations. That said, the Court is sympathetic to the Defendant's plight. Therefore, although the Court cannot order the BOP to do so, it will recommend a designation as close to Charlotte, North Carolina as possible.

IT IS THEREFORE ORDERED that the *pro se* Motion for a Judicial Recommendation regarding her Federal Bureau of Prisons' designation, Doc. No. 31, is **GRANTED**. The Court recommends to the Bureau of Prisons that the Defendant be designated as close to Charlotte, North Carolina as possible.¹

SO ORDERED.

Signed: January 31, 2023


Kenneth D. Bell
United States District Judge

¹ The Defendant is again cautioned that the BOP has the final authority to make designations and this Order is merely a recommendation.